REMARKS

In response to the Office Action mailed on Feb. 4, 2008 Applicant(s) respectfully request(s) reconsideration.

Claims 1-24 and 26-28 are now pending in this Application.

In this Amendment, claims 1, 11, 14, 24 and 26 have been amended and claim 9 has been cancelled.

Claims 1, 11, 14, 24 and 26 are independent claims and the remaining claims are dependent claims. Applicant(s) believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Office Action rejects Claims 14-23 and 28 under **35 U.S.C. §101**. Accordingly, claim 14, from which the remainder depend, has been herein amended to recite that the server comprises a computer processing device responsive to computer program code on a computer readable storage medium that, when executed by the computer processing device to perform the steps specified in the elements of the claim, to further clarify the statutory nature of claim 14. It is respectfully requested that the rejection under 35 U.S.C. §101 be withdrawn.

Claims 1-14 and 26-28 have been rejected under **35 U.S.C. §103(a)**. The Office Action rejects Claims 1-14 and 26-28 based on Trinon, U.S. Patent Publication 2002/013857 (Trinon 857) in view of Gauvin, U.S. Patent No. 7,197,489 (Gauvin '489). Referring specifically to the rejection of Claim 1, Gauvin '489 is cited for the proposition of teaching identifying a configuration of managed entities of interest in the storage area network, as recited in claim 1 and clarified in the specification at page 8, lines 5-18.

One skilled in the art would not look to Gauvin '489 to modify Trinon '571 because Trinon '571 teaches cellular organization of business object definitions in a peer-to-peer arrangement, recited in paragraph 0015 and shown in Fig. 8. Each peer is charged with both computing and storage responsibilities, as shown

in Fig. 7. In contrast, Gauvin is directed to storage area networks (SANs), which strive to differentiate the storage aspect of an IT infrastructure. Therefore, Trinon '571 teaches away from Gauvin because Trinon discloses <u>consolidation</u> of heterogeneous operations (storage and computation), while Gauvin '489 is based on <u>differentiation</u> of heterogeneous (dissimilar) operations by separating the storage operations in a SAN.

By way of further distinction, even if the proposed combination were attempted, the claimed invention would not result because Gauvin '489 teaches inferring or deducing additional network components in a storage area network for which management information was not specifically collected (col. 4, lines 8-25). The disclosed inferred, or deduced, components are in a secondary storage system operable as a "hot site" or failover for the primary site. Accordingly, the inferred components are "matched" to components already known in the primary SAN, as shown at col. 5, lines 35-41.

Gauvin '489 identifies, or infers, the additional network components by examining an intercomponent protocol for management information relating to non-matching, and thus yet unidentified, components (col. 10, lines 29-46). In contrast, the claimed approach identifies a configuration of managed entities by determining, based on a set of business processes, business operations dependent on the particular manageable entities, and designating the determined manageable entities as manageable entities of interest, as discussed further at page 10, line 21-page 11 line 9.

Therefore, the claimed determined manageable entities, the alleged equivalent to the Gauvin '489 components, are identified based on business operations, not on unrecognized references in an intercomponent protocol. Accordingly, claim 1 has been herein amended with the subject matter of claim 9, to recite that identifying the configuration further comprises: determining, based on a set of business processes, business operations dependent on particular manageable entities, and designating the determined manageable entities as

manageable entities of interest, to further clarify and distinguish applicant's claimed invention over the combination of Gauvin '489 and Trinon '571.

Claim 11 has likewise been rejected on the proposition that Gauvin teaches selecting, based on a level of overview scrutiny of the network, objects indicative of performance to monitor. In response, claim 11 has been similarly amended as claim 1 to clarify that the network objects are the manageable entities of interest by reciting selecting the objects indicative of performance to monitor further comprising: determining, based on a set of business processes, business operations dependent on particular manageable entities; and designating the determined manageable entities as manageable entities of interest for monitoring. Claim 11 is therefore respectfully submitted as allowable.

Claims 14, 24 and 26, rejected on grounds similar to the rejection of claim 1, have likewise been amended as claim 1 with the subject matter of claim 9. Claims 14, 24 and 26 are therefore submitted as allowable.

As the remaining claims depend from, either directly or indirectly, from claims 1, 11 and 14, all claims are respectfully submitted as allowable.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

_/CJL/_____
Christopher J. Lutz
Attorney for Applicant(s)
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

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